

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** MUNICIPAL CLERK

**AGENDA DATE:** 9/6/05

**CONTACT PERSON/PHONE:** Richarda Duffy Momsen, Municipal Clerk 541-4127

**DISTRICT(S) AFFECTED:** \_Defendants in all districts

**SUBJECT:**

**APPROVE** a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

To approve a resolution authorizing the use of electronic recording for the taking of the record in Municipal Court proceedings.

**BACKGROUND / DISCUSSION:**

**Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?**

This equipment will improve public service by expanding access to a record for defendants by allowing an on-demand record at court proceedings in the courtrooms at the 810 East Overland and at the 9600 Dyer. The system is the same as that in use at Federal court in El Paso. The use of a recording device also will reduce costs for court reporters by between \$30,000 and \$40,000 annually.

**PRIOR COUNCIL ACTION:**

**Has the Council previously considered this item or a closely related one?**

The City of El Paso made this change part of the State legislative agenda in 2003 to allow us the same authorization as that of the other municipal courts in Texas. The State passed the changes to section 30.00130(d).

**AMOUNT AND SOURCE OF FUNDING:**

**How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?**

The recording equipment was funded through dedicated court technology funds, composed of court costs paid by offenders convicted of Class C misdemeanors. No general fund monies were used; no budget transfer is required.

**BOARD / COMMISSION ACTION:**

**Enter appropriate comments or N/A**

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) Al Avila

**FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:** Richarda Duffy Momsen  
(Example: if RCA is initiated by Purchasing, client department should sign also)  
*Information copy to appropriate Deputy City Manager*

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## RESOLUTION

**WHEREAS**, the City of El Paso's legislative representative, during the 78th Texas Legislative Session (2003), sought and obtained a change to the Texas Government Code by deleting Section 30.00130(d); and

**WHEREAS**, Section 30.00130(d), prior to the legislative change, did not allow for the City of El Paso Municipal Court proceedings to be recorded by an electronic recording device instead of by a court reporter; and

**WHEREAS**, as a result of said legislative change, Section 30.00010 (d) of the Texas Government Code is now applicable to the City of El Paso's Municipal Court proceedings; and

**WHEREAS**, Section 30.00010(d) states, in pertinent part, that the governing body of a municipality may provide that the municipal court proceedings may be recorded by an electronic recording device instead of by a court reporter;

### **NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. THAT, in accordance with Section 30.00010(d) of the Texas Government Code the City Council authorizes the recording of any municipal court proceeding by the use of an electronic recording device instead of by the use of a court reporter.

**ADOPTED this 6th of September, 2005.**


CITY OF EL PASO

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John F. Cook  
Mayor

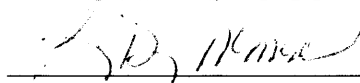
ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
A.M. Avila  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Richarda Duffy Momsen  
Municipal Court Clerk